



United States
Department of
Agriculture

Farmers
Home
Administration

Washington
D.C.
20250

FmHA AN No. 1372 (1955)

March 24, 1986

■ SUBJECT: Notification Requirements For Underground Storage Tanks
Located on FmHA Inventory Property

TO: All State Directors, FmHA

ATTN: State Environmental Coordinators

Purpose/Intended Outcome:

This Administrative Notice (AN) provides FmHA field personnel with the basic information necessary to implement the Environmental Protection Agency's (EPA) notification requirements placed on owners of underground storage tanks. The intended outcome is that FmHA personnel notify the designated State agency of underground storage tanks that are covered by the regulation and are located on FmHA inventory property.

Comparison with Previous AN:

No previous AN exists on this subject.

Implementation Responsibilities:

In response to a growing number of groundwater contaminated incidents caused by substances leaking from underground storage tanks, Congress amended the Resources Conservation and Recovery Act of 1976, 42 U.S.C. 6990 et seq., to strengthen controls over such tanks. One provision promulgated in rulemaking by EPA requires that the owners of some underground storage tanks notify designated State agencies of the location, size, age, type and use of each tank covered by the regulation. FmHA is the owner of those tanks located on inventory property. The deadline for notifying the designated State agencies is May 8, 1986. FmHA will strive to meet this deadline but will not compromise present legislative priorities to do so.

National Office Responsibilities:

No later than the effective date of this AN, the Program Support Staff (PSS) will provide to each State Environmental Coordinator (SEC) (1) a copy of the EPA regulation entitled "Notification Requirements For Owners of Underground Storage Tanks," 50 FR 46602, (2) a list of State agencies designated to receive notices, and (3) a list of EPA regional offices and personnel to be contacted for advice and questions.

State Office Responsibilities:

Upon receipt of this AN, each State Director will establish by State Supplement, a mechanism for notifying EPA of the FmHA owned underground storage tanks affected by the regulation. At the discretion of the State Director, notifications can be transmitted to the designated State agency from any level of the FmHA field structure, but at a minimum, copies of all notifications should be retained in the State Office by program area.

EXPIRATION DATE: March 31, 1987

FILING INSTRUCTIONS: Preceding
FmHA Instruction 1955-C



Farmers Home Administration is an Equal Opportunity Lender.
Complaints of discrimination should be sent to:
Secretary of Agriculture, Washington, D.C. 20250

In developing a notification system, the SEC will contact the appropriate EPA regional office liaison person for this matter as well as the designated State agency to determine if that agency requires completion of the EPA form (Attachment 1) for each reportable tank or if an alternative State form has been approved. In the latter case, the SEC will ensure that each FmHA reporting office has copies which can be duplicated as needed.

The SEC will advise the State agency of the process to be used in notifying it. Also, the SEC will inform the State agency of FmHA's difficulties of complying with the reporting requirements for previously owned tanks and the level of effort that can realistically be applied to identifying such tanks (see paragraph number 4 below). Finally, the SEC shall establish and maintain a working relationship with the State agency for the purpose of resolving implementation questions or problems.

Notifying Office Responsibilities:

Consistent with the reporting responsibilities assigned in the State Supplement, the attached EPA form or the alternative State approved form will be completed for tanks that meet the following criteria:

1. It is an underground storage tank. That is, it is any one or a combination of tanks (including underground pipes connected thereto) the volume of which is ten percent or more beneath the surface of the ground, including the volume of the underground pipes; and
2. It is not exempt from the reporting requirements. That is, it is not an exempted underground storage tank as listed in Attachment 2 of this AN; and
3. It contains regulated substances. That is, the underground storage tank stores petroleum or substances defined as hazardous under Section 101(14) of the Comprehensive Environmental Response Compensation and Liability Act, 42 U.S.C. 9601. (The SEC should be consulted whenever there is a question regarding the presence of a regulated substance); or
4. It contained a regulated substance but was taken out of operation by FmHA after January 1, 1974, but still remains in the ground. That is, whether or not the tank is still in inventory, FmHA must report on those tanks that we took out of operation since January 1, 1974, and left in the ground. An extensive record search or research effort should be avoided in reporting on such tanks.

In addition to reporting on those tanks presently meeting the above criteria, there is a continuing responsibility to notify the State agency within 30 days of any similar tank coming into inventory. Prospective buyers of FmHA inventory property also need notification. Effective immediately, prospective buyers must be informed if a reportable tank is on the property to be sold, provided a copy of the form filed by FmHA, and told of the EPA notification requirements.

1372(1955)

Thank you for your cooperation in this matter. Please provide a copy of your State Supplement to PSS for information purposes. SEC's should contact John Hansel, FTS 382-9619, as questions arise.



VANCE L. CLARK
Administrator

Attachments

Sent by electronic mail on March 25, 86, at 9:54 a.m. by DASD (IMPS).
The State Director should advise all District Directors and County Supervisors.

1372(1955)

Attachment 1

46614

Federal Register / Vol. 50, No. 217 / Friday, November 8, 1985 / Rules and Regulations

APPENDIX I to §280.3

Notification for Underground Storage Tanks

FORM APPROVED
OMB NO. 2050-0049
APPROVAL EXPIRES 6-30-88

I.D. Number STATE USE ONLY

Date Received

GENERAL INFORMATION

Notification is required by Federal law for all underground tanks that have been used to store regulated substances since January 1, 1974, that are in the ground as of May 8, 1986, or that are brought into use after May 8, 1986. The information requested is required by Section 9002 of the Resource Conservation and Recovery Act (RCRA), as amended.

The primary purpose of this notification program is to locate and evaluate underground tanks that store or have stored petroleum or hazardous substances. It is expected that the information you provide will be based on reasonably available records or, in the absence of such records, your knowledge, belief, or recollection.

Who Must Notify? Section 9002 of RCRA, as amended, requires that, unless exempted, owners of underground tanks that store regulated substances must notify designated State or local agencies of the existence of their tanks. Owner means:

(a) in the case of an underground storage tank in use on November 8, 1984, or brought into use after that date, any person who owns an underground storage tank used for the storage, use, or dispensing of regulated substances; and

(b) in the case of any underground storage tank in use before November 8, 1984, but no longer in use on that date, any person who owned such tank immediately before the discontinuation of its use.

What Tanks Are Included? Underground storage tank is defined as any one or combination of tanks that (1) is used to contain an accumulation of "regulated substances" and (2) whose volume (including connected underground piping) is 10% or more beneath the ground. Some examples are underground tanks storing 1. gasoline, used oil, or diesel fuel, and 2. industrial solvents, pesticides, herbicides or fumigants.

What Tanks Are Excluded? Tanks removed from the ground are not subject to notification. Other tanks excluded from notification are:

1. farm or residential tanks of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes;
2. tanks used for storing heating oil for consumptive use on the premises where stored;
3. septic tanks;

4. pipeline facilities (including gathering lines) regulated under the Natural Gas Pipeline Safety Act of 1968, or the Hazardous Liquid Pipeline Safety Act of 1979, or which is an intrastate pipeline facility regulated under State laws;

5. surface impoundments, pits, ponds, or lagoons;

6. storm water or waste water collection systems;

7. flow-through process tanks;

8. liquid traps or associated gathering lines directly related to oil or gas production and gathering operations;

9. storage tanks situated in an underground area (such as a basement, cellar, mineworking, drift, shaft, or tunnel) if the storage tank is situated up or above the surface of the floor.

What Substances Are Covered? The notification requirements apply to underground storage tanks that contain regulated substances. This includes any substance defined as hazardous in section 101 (14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), with the exception of those substances regulated as hazardous waste under Subtitle C of RCRA. It also includes petroleum, e.g., crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute).

Where To Notify? Completed notification forms should be sent to the address given at the top of this page.

When To Notify? 1. Owners of underground storage tanks in use or that have been taken out of operation after January 1, 1974, but still in the ground, must notify by May 8, 1986. 2. Owners who bring underground storage tanks into use after May 8, 1986, must notify within 30 days of bringing the tanks into use.

Penalties: Any owner who knowingly fails to notify or submits false information shall be subject to a civil penalty not to exceed \$10,000 for each tank for which notification is not given or for which false information is submitted.

INSTRUCTIONS

Please type or print in ink all items except "signature" in Section V. This form must be completed for each location containing underground storage tanks. If more than 5 tanks are owned at this location, photocopy the reverse side, and staple continuation sheets to this form.

Indicate number of continuation sheets attached

I. OWNERSHIP OF TANK(S)

Owner Name (Corporation, Individual, Public Agency, or Other Entity)

Street Address

County

City

State

ZIP Code

Area Code

Phone Number

Type of Owner (Mark all that apply)

☐ Current

☐ State or Local Gov't

☐ Private or Corporate

☐ Former

☐ Federal Gov't (GSA facility I.D. no. _____)

☐ Ownership uncertain

II. LOCATION OF TANK(S)

(If same as Section I, mark box here ☐)

Facility Name or Company Site Identifier, as applicable

Street Address or State Road, as applicable

County

City (nearest)

State

ZIP Code

Indicate number of tanks at this location

Mark box here if tank(s) are located on land within an Indian reservation or on other Indian trust lands ☐

III. CONTACT PERSON AT TANK LOCATION

Name (If same as Section I, mark box here ☐)

Job Title

Area Code

Phone Number

IV. TYPE OF NOTIFICATION

☐ Mark box here only if this is an amended or subsequent notification for this location.

V. CERTIFICATION (Read and sign after completing Section VI.)

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete.

Name and official title of owner or owner's authorized representative

Signature

Date Signed

CONTINUE ON REVERSE SIDE